

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ANNA MAINER, on behalf of
herself and those similarly situated,

Plaintiff,

CASE NO.: 1:14-CV-2162-MHC

v.

M & P INNOVATIVE ENTERPRISES,
A Georgia Profit Corporation, and
CHERRY PEARSON, individually,

Defendants.

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STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a) the Parties, by and through their undersigned counsel, stipulate to the dismissal of the above-captioned action in its entirety with prejudice. The parties state that Defendants have agreed to pay Plaintiffs all amounts to which they allege they are entitled under the FLSA in full, without compromise. As such, no judicial review is required. *See Mackenzie v. Kindred Hosp. East, LLC*, 276, F. Supp. 2d. 1211, 1217 (M.D. Fla. 2003); *see also Anago Franchising, Inc. v. Shaz LLC*, No. 10-95098, slip op. (11th Cir. April 23, 2012)(“we find that the plain language of Rule 41(a)(1)(A)(ii) requires that a stipulation filed pursuant to that subsection becomes self-executing and dismisses the case upon its becoming effective”). Because the parties have agreed to payment of attorneys’ fees and costs separately, the Court need not separately review Plaintiff’s attorneys fees and costs. *See Bonetti v. Embarq Mgmt. Co.*, 715 F. Supp. 2d 1222 (M.D. Fla. 2009); *Lynn’s Food Stores, Inc. v. U.S. ex rel. U.S. Dep’t of Labor*, 679 F.2d 1350, 1353 (11th Cir. 1982).

Respectfully submitted this 5th day of March, 2015.

<u>s/ ANDREW FRISCH</u> Andrew Frisch, Esq. GA Bar No.: 366105 MORGAN & MORGAN, P.A. 600 N. Pine Island Road, Suite 400 Plantation, Florida 33324 Telephone: (954) 318-0268 Facsimile: (954) 327-3017 E-mail: afrisch@forthepeople.com <i>Trial Counsel for Plaintiff</i>	<u>/s/ Derek Wright</u> Derek Wright, Esq. Derek M. Wright, LLC. 50 Hurt Plaza, Suite 802 Atlanta, GA 30303 Telephone: (678) 710-8392 Facsimile: (678) 710-8379 E-mail: attorneyderekwright@gmail.com <i>Trial Counsel for Defendant</i>
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